




DUKE
UNIVERSITY
LIBRARY

Treasure Room



Digitized by the Internet Archive
in 2011 with funding from
Duke University Libraries

A

REVIEW

O F

ALL that hath pass'd between the COURTS

O F

GREAT BRITAIN

A N D

S P A I N,

Relating to Our

TRADE and NAVIGATION,

From the Year 1721, to the

Present Convention;

With some

PARTICULAR OBSERVATIONS upon it.

By William Pulteney

L O N D O N:

Printed for H. GOREHAM next the *Leg-Tavern,*
Fleet-street. MDCCXXXIX.

REVIEW

OF THE

REPORT

OF THE

COMMISSIONERS

OF THE

NAVY AND NAVAL STORES
FOR THE YEAR 1855

A

R E V I E W

O F

ALL that hath pass'd between the COURTS

O F

GREAT BRITAIN and SPAIN, &c.

AS it is the Duty of every *Englishman* to support the Honour of his Country, on which the Interest of it essentially depends; so it is equally his Duty, whenever it lies under the Suspicion of universal Contempt abroad, and Discontent at home, to enquire into the Causes of them; That is, whether it hath proceeded from any unavoidable Accidents in the natural Course of Things, or from the Insufficiency and Tameness of *our Minister*, to say no worse.

The Depredations committed upon our *Merchants*, the barbarous Usage of our *Seamen*, and the Insults offer'd to the *Nation*, for many Years past, without any Reparation or Redress, notwithstanding repeated Complaints and frequent Promises, is certainly one Cause of *Discontent*, and a very just one too, not only amongst the *immediate Sufferers*, but the *whole Nation*, which is affected by them; for it is demonstrable that what obstructs our *foreign Commerce* and *Navigation*, must affect our *domestick Trade* and *Manufactures*; which consequently

A 2

strikes

strikes at the Foundation of the whole *Landed and Monied Interest* of this Kingdom.— But I will hasten to the present Point.

Great Expectations were given us from the LATE CONVENTION between *Great Britain and Spain*; and every body was impatient to see it. But it was no sooner publish'd, than it seem'd to amaze the *pretended Friends*, as well as the *reputed Enemies of the Government*; *Englishmen* as well as *Foreigners*; the *Corrupted* as well as the *Uncorrupted*. Even the most *abject Tools* and *servile Flatterers* hung down their Heads, and for once shew'd some Regard for Modesty, by being absolutely silent upon this Occasion. ONE MAN only blusters and bullies, to whom all the *Ill* is owing, if there should be any; since he avowedly took the whole Conduct of it upon *himself*, and declar'd that *he alone* was answerable for it. He scorn'd to make use of the mean, but common Excuses of *Ministers*, that they act by their *Master's Orders*. He call'd it a frivolous Pretence to say, that a *Minister* is accountable only for his *own Conduct*, in a particular Department, being likewise answerable for all the Errors, which the *Crown* may commit, by his Advice, Approbation, or Consent.— Nay, he went farther, and added this remarkable Expression, — “ How shall I be
“ able to shew my Face again in *this House*, if I do
“ not procure full Reparation for the *Honour of*
“ *the Nation*, as well as for the *Losses of our Mer-*
“ *chants?* ”

If *one Minister* allows himself, in this manner, to be answerable for whatever is done, he must have the *sole Power*; and *those*, who were formerly esteem'd to have a Share in the Councils and Administration of Affairs from the *Places* they possessed, must
now

now be content to wear *his Trappings*. Whatever Measures are followed, they are *his own*. The sacred Name of *Majesty*, so often made use of formerly to throw a Vail over the Actions of *Ministers*, cannot be any longer profaned in this Manner. It is the peculiar Happiness of our Nation, *that our Kings can do no wrong*, in the Eye of the *Law*; but our *Ministers* are answerable for every Thing; and therefore if our *present Minister*, in this Case, deserves Censure, the united Voice of all *Europe*, from the well-known Character of his *Majesty*, in every Respect, and particularly in relation to *this Affair*, will conclude, as every *Englishman* justly does; and the *Honour of the Nation* may be retrieved by it; since the *Prince* and the *People* are not blameable in any Respect, but *one Man* only; for Ignominy and Contempt can never be fixed upon any but *those* who deserve it.

Nothing therefore can be of greater Advantage to the Nation, than to have *this Matter* thoroughly discussed; that the *People*, as well as their *Representatives*, may be fully informed in so important a Point; that *Strangers* may see whether the *Nation*, or the *Minister* alone, deserves Reproach; or whether any is due to *either*. — *Side-wind Approbations*, and *anniversary Compliments* prove too much; but a strict Examination will shew who deserves *Praise*, and who *Censure*. If it should appear, after such an Enquiry, that what is done is *right*, it will be for the Honour both of the *Nation* and the *Minister*. But if it should be *wrong*, it will be certainly followed by *Censure*, from the *united Voice of the People*; and *Corruption* must once more give way to it, or for ever prevail.

We find by Experience, that notwithstanding the
many

many Complaints of our *Merchants*, repeated Applications to *Parliament*, Addresses to the *Throne*, and the strongest Assurances of Redress from thence; all hath ended in nothing but *Insults* and *Depredations*, with an uncommon Contempt of the Power and Wisdom of *this Nation*. Instead of *Redress*, we have been called upon for *Supplies*; and *those Supplies* employed in the Service of *Spain*, and for aggrandizing *that Power*, which disputes with Us the *Freedom of the Seas*, and claims a *Dominion*, where they have no Right nor Power to maintain it. Every body will see that I here mean the fitting out a *Fleet*, at a vast Expence, in order to carry *Don Carlos* to those Dominions We had obtained for him; and tho' We were not trusted with his *own Person*, yet We had the Honour of *convoying* and *introducing his Troops*.--- If these are the Fruits of our *tedious Negotiations*, and *those Negotiations* have cost Us so many *Millions*, without Effect, it must be ascribed to *those*, who, for want of knowing what the *Rights of the Nation* were, or for some *private Ends*, have wander'd out of the Way; have weaken'd *those Rights*, which they ought to have asserted, and brought upon Us the Reproach from *Spain* of not understanding *our own Treaties*.

It therefore becomes a necessary Consideration to enquire, *first*, how our *Rights* came to be brought into Question; how far they are weaken'd by *those*, whose Duty it was to have defended them; how far the Interposition of *Parliament*, the Sufferings of our *Merchants*, and the Loss of our *Trade* have been regarded, in our late *Negotiations* and *Treaties*; by which We shall more clearly understand the Nature and Causes of our Differences, and whether the *late Convention* is an adequate Remedy, in our present Case, since it was unanimously agreed, but last Year,

by

by the King and both Houses of Parliament, as well as the Voice of the People, that We ought to allow of NO SEARCH.

Our ancient Rights in *America*, by *Treaties*, were so far from being weaken'd by the Treaty of *Utrecht*, that the particular Manner, in which they are confirmed, are rather Extensions of them. — But I must confess that the *Affiento Contract*, which, even at the Time it was obtained, was never thought to be any great Benefit to the Nation, is now turn'd out (by the Manner, in which it was granted, by making Ourselves accountable to *Spain* for the Profits, and by the rich Deposit We are necessitated to put into their Hands) to the greatest Disadvantage, by preventing us from making Reprizals for any other Injuries.

In the Year 1718, the Losses, which our Merchants had 'till that Time sustained, were set forth by the Ministers, and not by themselves. It was urged by those, who then opposed them, and are now in Power, that they were enhanced and aggravated, to serve a particular Purpose. — The Complaint, at that Time, arose chiefly, if not singly, from the Number of Ships taken in the Bay of *Campeachy*, which were cutting of *Logwood*. — The Causes of our present Complaints, and the Reasons on which they are founded, seem to be of later Days. — The Treaty of 1721 (a Treaty, which does not deserve our Approbation upon any other Account) renewed and confirmed all our former Treaties, and his late Majesty communicated it to his Parliament, soon afterwards. — Both Houses immediately congratulated him upon the Renewal of all our Treaties of Commerce with *Spain*. — If there have been any Objections to the mercantile Part of the Treaty, with respect

spect to the *present Consideration*, they have not been heard of in publick. But whenever *that Treaty* is named, it ought not to be forgot *who* enjoyed the *same Places*, as they do at present.

From this Time, We heard no more of the Complaints and Losses of our *Merchants*, till the Year 1726; when it was the pretended Cause of sending out *two mighty Fleets* for their Protection; the *one* under Sir *John Fennings*, and the *other* under Admiral *Hofier*. Then, indeed, the dormant Sufferings and Injuries of our *Traders* were founded to the highest Pitch, in order to colour *other Motives*, as Time hath sufficiently evinc'd.—By what was urg'd, by our *Ministers*, at that Time, there are * *blustering* and *high Words* enough, back'd by no *one Action*, stating no *one Fact*, nor any one Assertion of our *particular Rights*, in Opposition to the groundless and unwarrantable Pretensions of the *Spaniards*.—On the contrary, They answer'd our *Complaints*, and asserted their *pretended Rights* openly and avowedly—they said, † “ The King their Master was
 “ more justly surprized that such *glaring Hostilities*
 “ should be pretended to be justified, by the Pre-
 “ text that Justice hath not been done, upon the
 “ repeated Complaints of Mr. *Stanhope*, with re-
 “ spect to so many *English Ships*, which, as it is ex-
 “ aggerated, have been taken and pillaged by the
 “ *Guarda Costas* of his Majesty in the *Indies*; it
 “ being evident that *no specifick Case* of any such
 “ Prizes hath yet been seen. What is certain is,
 “ that *English Ships*, and Ships of *other Nations*,
 “ which have been attacked and taken in *those Seas*,
 “ were

* See *Letters and Memorials between the Ministers of the Courts of Great Britain, France and Spain* --- Printed by Samuel Buckley.

† *Letter from the Marquis de Pozobueno*; p. 47.

“ were *contraband* and *good Prize*, because of the
 “ *unlawful Commerce* they exercised, or endeavoured
 “ to exercise in the *Indies*.——The VERY PLACES
 “ only, where they were met and taken, is a suf-
 “ ficient Proof of a *Navigation* forbid by the Tenor
 “ of *Treaties*.”——This was not only answering
our Complaints, but an explicit Assertion of the *same*
pretended Rights, which is the Subject of our *present*
Consideration.——It will therefore be necessary to
 find the Sense of our *Ministers*, upon *this Claim*,
 as well as to see whether they endeavour'd to rectify
this Abuse in their *future Negotiations*.

That Master-piece of Policy, the *Hanover Alli-*
ance, for ever memorable and renown'd, hath been
 so compleatly successful as to answer all the Ends
 proposed by it; *Spain* no longer the unnatural Ally
 of the *Emperor*, but that of *France*; and the ex-
 orbitant Power of the *House of Austria* reduced as
 low as could then be wished.—If any Thing could
 fully its Glory, it must be the Methods that were
 taken to *inflame* the Nation against the *Vienna Treaty*;
 amongst which, nothing was more absurd, or con-
 trary to common Sense, than the Privileges which
 were PRETENDED (as it is express'd in the Treaty
 of *Seville*) to be granted to the *Emperor's* Subjects
 by the *Vienna Treaty*, beyond what *We* enjoy'd;
 whereas they had only the *same Privileges* granted to
 them, which *We* enjoy'd before, by a particular
 Reference made to our *own Treaties*.—Aye! but,
 says the sagacious Author of the *Enquiry*, as well as
 our *able Ministers*, though the Treaty of 1670 grant-
 ed us the Liberty of entering their *Ports* in parti-
 cular Cases, yet *that Liberty* hath ceas'd for many
 Years; and, as a new marvellous Proof of it, the
 8th Article of the Treaty of *Utrecht* is quoted, which

was particularly intended to prevent the *French* from trading in the *West-Indies*. A great deal hath been formerly said upon *this Subject*, and might be still ; but this is sufficient as to our *present Point*, since this Conclusion may justly be drawn from it, that either *our Ministers* really thought the Treaty of 1670 actually ceas'd by the 8th Article of the Treaty of *Utrecht*, or they did not. If they did not, it is needless to make any Observations upon it ; for they cannot escape the Reader. But if they did, they ought to have reinforced it in a direct Manner, or got *that Article* of the *Utrecht Treaty* explained, by which it was pretended that the Effect of it ceas'd.—The Value of the *Treaty* of 1670 was sufficiently set forth in this Case ; and the Want of the Effects of it were sufficiently felt both before and since, by the *continued Losses of our Merchants*.——Some of the Pretensions of *Spain*, seem to be likewise founded on the Supposition that there is no *such Treaty* subsisting. It must therefore, at least, be extremely surprising to find that the Treaty of *Seville*, after having, in the *first Article*, “ renewed and confirmed all the former *Treaties* and *Conventions*, in all those Points, which are not derogated from by the present *Treaty*,” should have a separate Article for the GREATER EXACTNESS, which enumerates and recalls every one of our *Treaties* that was to remain in their FULL FORCE, VIRTUE and VIGOUR, tho' the Treaty of 1670, which ascertains all our Rights in the *West-Indies*, is omitted.——This surely could have happen'd only from *our Minister's*, having been formerly convinced that the said Treaty of 1670 ceased, if not entirely, yet at least that the good Effects of it did, by the 8th Article of the Treaty of *Utrecht*.

The

The *Act of the Pardo*, of the 6th of *March* 1728, was made for the Execution of the *Preliminaries* between *Us* and *Spain*; the 3d Article of which *Preliminaries* is to the following Effect; “ That all Privileges of Commerce, which the *English* and *French* Nations, and the *States of the United Netherlands*, have heretofore, by virtue of *Treaties*, enjoy’d, as well in *Europe* as in *Spain* and the *Indies*, shall be restor’d to THAT USAGE and REGULATION which are according to what was stipulated with each of them by *Treaties* antecedent to the Year 1725.” — It is very remarkable that these Words are introduced; *shall be restored to THAT USAGE and REGULATION, which was according to what was stipulated between both Parties, by Treaties antecedent to the Year 1725.* — By the present *Convention*, these Words, USAGE and REGULATION, are reserved to the *Spaniards* to cavil about, by making the *Act of the Pardo* one of those *Treaties* which are enumerated in it; whereas, had they been left out, *all our Treaties* would have been confirmed simply and plainly. *These Words* therefore were, at least, unnecessary, and can only serve to furnish the *Spaniards* with an Handle to justify their late Proceedings.

Upon these Disappointments, our *Merchants* thought it necessary to lay their Complaints themselves before *Parliament*; since Experience had now shew’d them, that though the *Ministers* occasionally founded their Grievances very high, they provided for no *Restitution*, or *future Security*. All possible Endeavours were used to prevent *this Petition* being brought into the *House of Commons*. Our *Merchants* were treated with the utmost Scurrility, by the *ministerial Writers*. — They were represented every

where as a Parcel of *Smugglers*, and their *Losses* as *justifiable Seizures*.—— They were Brow-beaten, and *their Sufferings* depreciated in *that Place*, where only they fought and could hope for *Redress*.—— Notwithstanding all *these Practices*, the Force of *Truth*, and its *own Weight*, made it necessary that the *House* should come to some Resolution upon it. Many particular Circumstances in *that Debate*, will not be soon forgot. It was disputed, and even voted, after the Examination was over, who should move the *Question* upon it.—— It was then resolv'd, That, “ from the Peace concluded at *Utrecht*, in 1713, to this Time, the *British Trade* and *Navigation*, to and from the several Colonies in *America*, have been greatly interrupted by the continual Depredations of the *Spaniards*, &c. in manifest Violation of the *Treaties* subsisting between the *two Crowns*. ” —— Is it not strange that *this Grievance* should have been of so long a standing, and nothing done to remedy it, nor any Restitution made in all that Time ?

This humble Address of *Parliament* embarrassed our *Negotiators* a little.—— Their Sentiments, both at home and abroad, were well known. But yet something must be done in their *next Treaty*, which might be imagin'd to have some Correspondence with this humble Advice to the Throne.—— We were desired to think, that the Treaty of *Seville* had sufficiently taken Care of our *Merchants*. The *Minister* himself, who knows his own Power of *convincing*, endeavour'd to prove it, and took some Pains to do it.—— In his Observations on the *Treaty*, in which he was not sparing of *his own Commendations*, nor in abusing *those* who oppos'd him,

him, he said that, “ * by the Articles of *this Treaty*,
 “ our *Merchants* are intitled to Restitution of all
 “ Ships and Effects, that have been at any Time
 “ taken from them, contrary to the Treaties of
 “ *Utrecht, &c.* ”—— This, which every body
 might have expected to see in *one clear Article*, was
 spread into the *first, second, fifth and sixth Articles*
 of the Treaty, and the *first separate Article*, accord-
 ing to his own Interpretation of them, which he
 thinks a sufficient Provision. But was it ever
 thought that We should want such a Number of
 Articles for this Purpose, which serve rather to blind
 than clear up any Thing? Time hath shewn us
 that *those*, who could not be convinc'd by him,
 were right in their Apprehensions that *this Treaty*
 could not, or would not, obtain any Reparation to
 our *injur'd Merchants*, who were only tantaliz'd in
 this Manner, that their Complaints might be laid
 asleep for a Time. *This Pamphlet* receiv'd *two An-*
swers, which makes it needless to mention any
 Thing taken Notice of in them. But as the *Authors*
 of *those Pieces* did not enter into the Examination of
 the *several Articles* above mentioned, which, taken
 together, are to prove what was both then, and now
 is, fitter for Ridicule than a serious Answer; yet
 my Concern for the *Merchants*, as well as the *Hon-*
our of the Nation, and the Nature of the present
 Disquisition, make it necessary to consider whether
those Articles were intended to give them any Re-
 lief, or could do it.

Treaties, whenever they are reviv'd, are to take
 Effect from the Time of *their Renewal*. All *for-*
mer Demands upon each other, before the Rupture,
 are obliterated, unless those Demands are again ex-
 pressly

pressly provided for; and *this very Treaty* seems to give us the strongest Proof of it. The *English Ministers* were certainly over-reach'd in this Particular, by *Spain*, which hath specifically provided for Reparation for their Ships taken in the Year 1718; whereas We, by having neglected it, and only renew'd the Treaty in general, have furnish'd the *Spaniards* with Pretences, however unjustifiable, for refusing us the *same Retrospect*.

Having thus observ'd that the 2d and 3d Articles of the Treaty of *Seville* are so far from being preferative of the former Claims of our *Merchants*, that they are negative Proofs against them, let Us consider on what the *Minister-Observator* lays the whole Strefs of the Point in Dispute.

He says, " That the 6th Article declares, and " that *without Limitation, as to any Retrospect*, that " all Ships and Effects taken at Sea in *Europe*, to " the Time prescribed by the *Preliminaries*, for the " Cessation of Hostilities in the *West-Indies*, till " the Arrival of his *Catholick Majesty's* Orders at " *Cartbagena*, shall be referred to *Commissaries*, " &c." — Nothing surely can be more ridiculous than this; since it must be supposed that every Man, who reads it, must want common Sense. —

Our *Merchants* are sufficiently taken Care of, because there is *no Limitation as to any Retrospect*; which very Point, by proving too much, proves the contrary; for that Argument holds as much to their Losses, in the Reign of *Queen Elizabeth*, as to those in the Reigns of the *two Georges*. — But fixing the Time, from which Reparation should be immediately made, That is, from the Time when *Hostilities* were to cease; and the Reference to the *Commissaries* being, " to examine and decide what

" can-

“ concerns the *Ships* and *Effects* taken at Sea, on
 “ either Side ; ”—— This, I say, shews that no-
 thing more was, or could be meant by it, than the
 Examination and Decision of the *Ships* and *Effects*,
 that were taken during *Hostilities* alone ; and this is
 entirely agreeable to that Declaration of *Spain*, which
 is the Basis of *this Treaty* ; for it is there said that,
 “ * in the *same Congress*, shall likewise be discussed
 “ and decided, whether the *Prizes* taken at Sea,
 “ on *each Side*, shall be restored.”—— Another
 Proof arises from the very same 6th Article, which
 so particularly revives the Pretensions of *Spain*,
 “ for Restitution of Ships taken by the *English*
 “ *Fleet*, in the Year 1718.”—— This was nei-
 ther necessary, nor would have been inserted, if the
former Part of the Article could be understood to
 mean, without any *Limitation of Time* ; since it con-
 tains an exprefs Exception to the contrary.

I have already taken Notice of the *first separate Article* of this Treaty. The *second*, which was particularly design'd for Restitution of the Ship, *Prince Frederick*, and her Cargo, says that, in consequence of the *first Article*, “ all Ships, Merchandize, and
 “ Effects, which shall not have been taken, or seized,
 “ on account of *unlawful Commerce*, and shall be
 “ proved, by *authentick Documents*, to have been
 “ detained, seized, or confiscated, in the Ports of
 “ *Spain*, namely the *Prince Frederick*, &c. shall
 “ be restor'd.”—— *This Article* was therefore plain-
 ly for the Restitution of such Things only as were
 seized in the *Spanish Ports*, upon the Commencement
 of *Hostilities*, and during the Continuance of them.
 The *fifth Article* provides only for Reparation, after
 the *Hostilities* ceased ; and the *sixth*, for what was
 taken

* *The Act of the Pardo, the 6th of March, N. S.*

taken *at Sea only*; and therefore it may be alledged that We could have no Claim to any *Retrospect*, besides what is particularly stipulated in *these Articles*, which may have been the prevailing Reason for accepting so *small a Sum*, by way of *Composition*.

Having thus examined the Treaty of *Seville*, with regard to the *Reparation of our Merchants*, and *future Security of our Trade*, which ought to have been obtained by it, in as short a Manner as possible, and shewn the Insufficiency of it, for these Purposes; let us, in the next place, see what was the Opinion of the *Merchants* upon it. — The next Year, they petition'd the *Parliament* again, upon the same Subject. For this they likewise underwent the same scurrilous Abuses from the *ministerial Writers*, as they had before. — But the *House of Commons*, in their *Address* to the Throne, upon this Occasion, went a little higher than in their *last*; for they desired his Majesty “ to continue his Endeavours, to prevent
“ the Depredations of the *Spaniards*, for the future;
“ to procure full Satisfaction for the *Damages* already
“ sustained; and to secure to the *British Subjects* the
“ full and uninterrupted Exercise of their *Trade* and
“ *Navigation* to and from the *British Colonies* in *A-*
“ *merica*. ” — All, that had been hitherto done, deserved no Commendation, at least; since it produced no Effect, as appears by *this Address* itself.

Our *Merchants*, not being to be paid by *Words* alone, though perhaps soften'd and silenc'd for a Time, and their Hardships continuing, the Complaints followed them; which made it necessary to send more vigorous Orders, for their Protection, to the *Commanders of our Fleet*. The *Words* were strong; for they were to make *Reprizals* in such Cases, which they never once did. But the *Commis-*
saries

series not meeting, as was stipulated, something must be obtained from *Spain* to stop the present Clamours, and to prevent our *Men of War* being obliged to execute those necessary Orders, which in the Consequence might have involved Us in *Hostilities* again. The mighty Boon obtained, and which was afterwards communicated to the *House of Commons*, as a great Point, was first a *Schedula* of the King of *Spain* to his Governors in *America*, “* forbidding all his
 “ Subjects to molest, or abuse the *English*, or any
 “ of their Ships, that shall sail in those Seas, as long
 “ as they keep within their proper *Distances*, and are
 “ not concerned in any *illicit Trade*.”—— This corresponds too well with their Justification, in the Year 1726; that the *Places*, where our Ships were met and taken, was a Proof of a Navigation forbidden by the Tenor of *Treaties*, as well as their late one of *steering a due Course*. The *other*, which was of more Importance, † “being a Declaration of the
 “ *Ministers* of their *Britannick* and *Catholick Majesty*
 “ *sties*, by virtue of their Orders.”—— The *Ministers* of both Courts were so unwilling to enter into the real Pretences for *these Captures*, that they put it only upon the Foot of the *Continuance of Hostilities*, notwithstanding the Arrival of his *Catholick Majesty*’s Orders at *Carthagena*, and the signing of the Treaty of *Seville*; by virtue of which Reparation was to be made for *all Hostilities*. The Remedy provided, for the future, was equally admirable; which runs thus—— “His *Catholick Majesty* also promises and
 “ engages, by *this Declaration*, that whenever any

C

Pri-

* See the King of Spain’s *Schedula* to his Governors in the West-Indies, relating to the Spanish Privateers, the 18th of Jan. 1732, N. S.

† Dated *Seville*, Feb. 8. 1732, N. S.

“ *Privateers* shall have Leave to fit out to Sea, in
 “ order to prevent contraband Trade, pursuant to the
 “ Laws and Ordinances of the Indies, which have not
 “ been derogated from by the Treaties, they shall be
 “ obliged to give Security, &c.” — That *Privateers*
 should give Security, was, no doubt, a new and mighty
 Point obtained, however ridiculous it may appear to
 some Persons. But that an *English Minister* should
 thus authenticate the *Laws and Ordinances of the In-*
dies, is very surprizing; since he could not help
 knowing that they clashed with our *Treaties*; and
 that it was on *them* the Injuries of our *Merchants*
 were founded; for *those Laws and Ordinances* only
 have made our Ships liable to Confiscation, for ha-
 ving *Logwood, Cocoa-nuts, and Pieces of Eight* on
 board; and, perhaps, have described the Course an
English Vessel is to steer in; all which is directly con-
 trary to *Treaties*, and for the Sake of which alone
 the *Privateers* are fitted out.

These Things being obtained, Orders were imme-
 diately dispatched to the *West-Indies* with them, for
 suspending the former Orders for *Reprizals*; which
 were likewise renewed again, upon the Continuance
 of the *Captures*, and the Conviction that what We
 had so lately boasted of was not obtained. The *Mer-*
chants and the Nation were amused, in this Manner;
 till at length the *Commissaries* met, and great was the
 Expectation from *them*; which suspended the Cla-
 mours for some Time, on the account of our *Losses*.
 But after a fruitless Attendance, for so many Years,
 they ended their Negotiations at last, as many Peo-
 ple thought they would, without determining any
one Point, or giving any Reparation whatsoever for
 our *Losses*; for which I refer to the *sixth Article* of
 the *Lords Protest* against the *Treaty of Seville*, in
 these

these Words : “ Because the Obligations on our
 “ *Merchants* to make Proof of the Justice of their
 “ Demands for their Losses, at the Court of *Spain*,
 “ is, in our Opinion, an Hardship upon *them*, and
 “ not honourable for the *Nation* ; and We are per-
 “ suaded *those unfortunate Gentlemen* will undertake
 “ so troublesome and expensivè a Journey with the
 “ less Chearfulness, because they may fear *their*
 “ *Claims* are not unlikely to be counter-balanced by
 “ *others* from the *Spaniards* ; and after all, they have
 “ only the slender Comfort of *hoping* (if they think
 “ there is even any Room for them to *hope*) to get
 “ that Redress by *Commissaries*, which they have not
 “ been hitherto able to gain by *Plenipotentiaries*.”—
 I shall make but one short Remark upon *this Article* ;
 which is, that as *Commissaries* were then thought, by
our Minister, more proper than *Plenipotentiaries*, for
 adjusting our Differences with *Spain*, he hath now
 found his Error, and referred every Thing, except
 a stipulated Sum for the Losses of our *Merchants*,
 to *Plenipotentiaries* again.

This convinced our *Merchants* of the Fruitlessness
 of complaining any more ; and, had the *Spaniards*
 been but a little more moderate, they might have
 prevented any farther Applications to *Parliament*.
 But their *Depredations* and *Insults* were carried to
 such an Height at last, that our *Merchants* were un-
 der a Necessity of applying again last Year, or en-
 tirely give up the Trade to *our own Colonies* in the
West-Indies. Every Artifice was made use of to
 prevent this Application. The *ministerial Writers*
 were again instructed to abuse our *Merchants*. But
 they soon run through their Common-place upon
 this Subject. The Thing itself came now to be
 thought of more Importance to the Nation than it

had hitherto been, by vast Numbers of People. Our Being, as a Nation, was visibly concerned in the Question, and the Necessity of stating our *Rights* clearly, from the Nature of the Disquisition, became in a Manner unavoidable; tho' in *some Parts* it was prevented, and in *others* labour'd against sufficiently. After an Examination, the most solemn and affecting, that was ever known in an *House of Commons*, it was resolv'd, upon a Division, "That it
 " was our natural and undoubted Right to sail with
 " our Ships on any Part of the Seas of *America*;
 " and that the *Freedom of our Navigation and Com-*
 " *merce* had been greatly interrupted by the *Spa-*
 " *niards*, under Pretences altogether groundless and
 " unwarrantable, &c."—There was an Endeavour to propose some *other Questions*, which were thought necessary; because they would more fully and plainly have asserted our *Rights*; but they were over-ruled. Yet this, with the *Address*, was surely sufficient for the *Minister*, at least, to point out the true Cause of our *Complaints*; the Necessity of suffering *such Injuries* no longer; and providing for our *future Security*, as it is rightly expressed in *their Address*, and *his Majesty's most gracious Answer*.—
 There were many Reasons for inducing *some Persons* to think it more necessary to have asserted our *several Rights separately*, in Opposition to the *Grievances* We had so long labour'd under; considering that those *general Resolutions* which the *House* formerly made, had been of no more Service to the *unhappy Sufferers*, than the many *long Negotiations* and *Treaties*, with respect to *them*. The Claim of *Spain* was become more openly avow'd and peremptorily insisted on, than ever it had been before; for in the
 De-

Demands of the * *Commissaries*, on the Part of *Spain*, in Pursuance of the Treaty of *Seville*, it is said; “ That, by the 8th Article of the Treaty of 1667, “ the *British Commerce* is under the same Restritions as *Holland* is by the 6th Article of the “ Treaty of *Munster* ;” and therefore it is insisted on, “ That Ships sailing from *Great Britain*, or her “ Colonies, through those Seas, shall observe the “ Course they ought to steer, and shall avoid *Hosti-* “ *lities* .”

• The very Supposition that the *Treaty* of 1670 was of no Use to Us, as well as prescribing a *particular Course* to our Ships, was extremely surprising. But even this was carried much farther by *Monf. de la Quadra*, in his † Letter to *Mr. Keene*. The *House of Commons* very prudently refused *this Letter*, when first moved for; *because it was of such a Nature as might inflame the Passions, and prejudice the Judgments of Men, in a Cause that ought to be calmly and unbiassedly heard; but, if they should come to vigorous Resolutions, this Paper would then justify them to all the World.*—These *prudential Reasons* were prevalent for some Days; but no sooner was the *Draught of an Answer* made for *Mr. Keene*, than they were *both* moved for, and of Course laid before the *House*. It might be wish'd that *Prudence* would have suffered Us to see whether *this Draught of a Letter* was ever sent to *Monf. de la Quadra*, and what *Answer* he returned; which must have been a very curious Piece. But, if *that Letter* was never sent, it could be only designed as an Answer to him *here*, for other obvious Reasons.

It

* Vide the Papers laid before the House of Commons, relating to this Affair, N^o. 29. Art. 29.

† Feb. 10. 1737.

It unfortunately happened, that *those* who ought to have defended our *Rights*, rather gave them up, from not understanding them; for the 14th, 15th, and 23d Articles of the *Treaty* of 1667 were urged, on *our Side*, as Articles to which we had submitted in *America*, with respect to their Pretensions of *contraband Goods*, and likewise insisting, in his Majesty's Name, “ * That the 14th Article should be performed; which says, That neither the *Ships*, nor their *Cargoes*, except the *contraband*, shall be confiscated.” — The very Words of the *Articles* were sufficient to prove the contrary; for, what alone is declared to be *contraband*, is the carrying of *warlike Stores*, &c. to the *Enemies of each other*; the *Proceedings in such Cases*, and the *Forfeitures* ensuing. How could this bear any Relation to *Us*, whilst We are navigating from *any one Part of our Dominions to another*? The *Spaniards* indeed are in the right, when they say that no Article, except the 8th, of *that Treaty*, relates to the *West-Indies*. The only Observation worth making on the *before mentioned Articles*, is, That they declare the only Things which, in any of our *Treaties* between the *two Crowns*, are to be deem'd and allowed to be *contraband*. To this let us add, That where all *Trade* is, by mutual Consent, prohibited, there can be no such Thing as any particular *Species of Goods* more prohibited than the rest; and therefore all Confiscations, made under the Pretence of finding *such Goods* on Board, are open Infractions and Violations of our *Treaties*. — This will fully prove that all Arguments or Similitudes, drawn from our *Treaties* in *Europe*, are nothing to the Purpose against our *Rights* in *America*; and, had We no *Treaties* relating

* See the Draught of the Memorial, Nov. the 4th, 1737.

lating to *those Parts* (tho' We have very good ones, if We do not suffer them to be violated) yet the very *Nature of Things*, and the *Law of Nations*, would be sufficient; for it is absurd to imagine, that We can possess any *Dominions there*, and not have a Right to go and come freely from them, and to carry and bring back whatever We have Occasion for.

Monf. *de la Quadra*, tho' his Answers are just to the *Articles already mentioned*, advances the Claim of *Spain* farther, and more openly, than it had ever been done before; tho' several Steps had, by Degrees, been taken with the *same View*, as I have already shewn. But here he speaks out plainly and fully. "—— * The only Navigation, *says He*, that can be claimed by the *English*, being that to their *Islands and Plantations*, whilst they steer a *due Course*, their Ships are liable to a Seizure and Confiscation, if it should be proved that they have altered their *Route* without Necessity, in order to draw near to the *Spanish Coasts*."—— This indeed made many Persons wish that the *House of Commons* had been more specifick in setting forth the *Violation of our Treaties*. But every body concluded from hence that it was impossible ever to treat again with *Spain*, without previously settling and establishing our *fundamental Rights*, in this particular, as the only Basis of any *future Treaty*, in Opposition to their unjustifiable Pretences, which have been made subservient to so many Acts of *Piracy*.

The *House of Lords*, in their Resolutions upon this important Affair, went farther than the *other House*; for they not only asserted our undoubted Right to navigate in the *American Seas*, " but also
" to

* See his Letter to Mr. Keene, Feb. 10. 1737-8.

“ to carry *all Sorts of Goods and Merchandize, or*
 “ *Effects*, from one Part of his Majesty’s Domini-
 “ ons to any other Part thereof; and that *no Goods,*
 “ being so carried, are, by *any Treaty* subsisting be-
 “ tween the Crowns of *Great Britain and Spain,* to
 “ be deem’d or taken as *contraband, or prohibited*
 “ *Goods*; and that the searching of such Ships, on
 “ the open Seas, under Pretence of their carrying
 “ *contraband, or prohibited Goods,* is a Violation
 “ and Infraction of the *Treaties* subsisting between
 “ the *two Crowns.*”—— This Resolution not on-
 ly shew’d the *Abuse of Treaties,* on the *Spaniards*
 Side, but asserted *our Rights,* and made it, one
 would have thought, impossible to have any *new*
Treaty, without first establishing *those Rights*; for
 in vain must it be thought to cure our Disease by
pecuniary Remedies, whilst the Evil is suffer’d not
 only to remain, but even receiving some Sort of
 Countenance, by being left to a future Discussion.—
 Upon the whole, it was the general Opinion of the
 Nation, that We were under a Necessity of exerting
 our *Force,* in order to obtain an Acknowledgment
 of *our Rights*; and We had Hopes given us, at
 least Insinuations were thrown out, that *Orders* were
 already sent to do Ourselves Justice. But alas! it
 now appears that they were nothing but *Insinuations*
 to serve a *present Purpose*; for when *some Gentlemen*
 were of Opinion that it would be a necessary Encou-
 ragement to our *Seamen,* that a *Law* should be made,
 for giving them the Profit of their *Captures,* it was
 oppos’d.

Having thus shewn the Proceedings of the *Mer-*
chants, the *Ministers,* and the *Parliament,* in this
 important Affair; We now come to examine the
late Convention, and enquire whether it is such a one,
 in

in every Respect, as to answer the just Expectations of the *Nation*, considering the united Voice of *King*, *Lords*, and *Commons*, as well as the *whole People*, but last Year, and for which such large *Supplies* were given to enforce ; I mean, whether *this Convention* provides a sufficient Reparation for the Losses of our *Trading Subjects*, restores the *Honour of the Nation*, or gives Us any valid Security for the peaceable Enjoyment of our *undoubted Rights and Possessions*, for the future.

All former *Treaties*, which have been thought worthy the Notice and Approbation of *Parliament*, have been some Way or other communicated to them, before their *Meeting* ; that they might not be entirely surpriz'd, nor quite eccho back the *Words*, without so much as knowing the *Sense* of them.— Indeed, the *Language of Parliament* is, that they are not bound down by *those Addresses*, and that the *Speeches from the Throne* are to be consider'd only as the *Words of the Minister*. This is the peculiar Privilege of *Parliament*, and their Stile of speaking. But of what Use, I leave themselves and the World to judge.— All, that the *People without Doors* can wish or desire, is, that if there is any Thing doubtful in those *superior Acts of State*, they might be better inform'd, especially where their Interest is so manifestly concern'd.

It will therefore be necessary to quote one Paragraph of *his Majesty's most gracious Speech* ; where it is said, “ That the *Wisdom and Prudence of your Resolutions*, upon this great and national Concern, “ determin'd Me to begin and try once more what “ Effect and Influence my *friendly Endeavours*, and “ *pressing Instances*, would have upon the Court of “ *Spain*, towards obtaining the *Satisfaction and Se-*
D “ *curity*,

“*curity*, which We were entitl’d to demand and
 “*expect.*”—— Whether it was the *Wisdom and Prudence of PARLIAMENT*, or the *Wisdom and Prudence of the MINISTER*, (for I would give every body his Due) that determin’d his Majesty to *try once more the Influence of his friendly Endeavours*, I shall not take upon me to determine. But sure I am, that We ought to have had full Security for our *Rights*, as well as Satisfaction for our *Merchants*, before We had absolutely laid aside all Thoughts of employing *that Force*, which had occasion’d so vast an Expence.—— But as *Money* is suppos’d to be all-prevalent, and by *some Persons* thought sufficient to make amends for every Thing; We are told that the *present Convention* hath obtain’d the Sum of *L. 155,000* to be distributed amongst our *Merchants*.—— Not, indeed, from *Spain*; since We are to pay them *L. 60,000* for destroying their Fleet, in the Year 1718; and *L. 68,000* is to be rais’d upon the *South-sea Company*; so that the remaining *L. 27,000*, a prodigious Sum, is said to be paid by *Spain*. All this was obtain’d by the Influence of a *powerful Fleet*, which will not cost Us much above *half a Million* extraordinary, upon this Occasion, and the most solemn Interposition of *both Houses of Parliament*, that ever was known, in strongly asserting our *Rights*, insisting that they should be supported with *Vigour*, and fully providing for the doing of it.

This *mighty Point* obtain’d is call’d a *Convention*; a Word, which We have adopted, of late Years, to signify a *Sort of Treaty*.—— Perhaps, it may be thought by *some Persons*, though I hope not so design’d, to be only a *Suspension of our Rights*, during the *Session of Parliament*, or a *Prevention of an Enquiry*,

quiry, to which a *Subsidy* is annex'd.— *Sessions of Parliament* have often been troublesome to *Ministers*; and greater Sums have been formerly dispos'd of, to get them pass'd over easily. But by whatever Name We are to call this *Master-piece of Negotiation*, it is entirely of a *new Kind*. Before We were so much improved in these Arts, *Treaties* were always design'd and calculated for ascertaining the *Rights of the Parties in Dispute*. When *these Points* were once settled, the Adjustment of *Accounts*, being of an *inferior Nature*, were left to *Commissaries*. But in *this most surprizing Contract*, the very Nature and Order of Things seem to be inverted; for the *Commissary-Part* is the only Thing settled and determin'd through the whole, by fixing it to a *certain Payment*, for *BALANCE of an Account*; and having first acted the *Commissaries*, the Part of *Plenipotentiaries* is to be the next. *These Gentlemen* are to find out and settle our *Rights*, and consequently what *this Money* is paid for. It seems scarcely possible that, during the Settlement of *this Account*, if it was not in a Manner *lumpt*, but that *both Sides* must sufficiently know their *Rights and Grievances*, and be as well, if not better able, to adjust and allow their *respective Claims*, for the future, than it was probable they would be *eight Months* after.— Can it be conceiv'd that it was not the first Thing thought of, on *our Side*; since it was from thence alone that We made our Claim to *Restitution*?— Was it possible that *our Rights*, with Respect to *searching our Ships*, could be better known *eight Months* after, than it was then; or that We should be better able, or more ready to enforce them?— Would the Necessities of the *Minister* make him more desirous of establishing them, if he ever

thought or design'd to do it? — Could he flatter himself that it would be satisfactory to the Nation, though he might hope that the Clamours of *particular Sufferers* might be soften'd by it? — Can it be suppos'd, that what We could not get from *Spain*, at this critical Juncture, is really design'd to be allow'd Us, and obtain'd by *Plenipotentiaries*, *eight Months* afterwards? — Whoever considers how explicitly our Right of NO SEARCH was asserted last Year in *Parliament*, must know that the *Minister* dares not give it up. — Of what Use therefore can *this Reference* be; or making Mr. *Keene* a *Plenipotentiary* by *Treaty*, who acted in the *same Capacity*, and in the *same Court*, before? — Will he, or can he, be better instructed than he hath hitherto been? — Will his Arguments be more prevailing, for being *eight Months* older, or better enforc'd, without the Assistance of *our Fleet*? — Can he do any Thing more, or go a Step beyond his *Instructions*? — Is he not as absolutely limited by them, in *both of his Characters*? — No body surely can be any longer deceived by those general Words in *Treaties*, which mean nothing, with respect to *Commissaries*, for *finally determining, finally deciding*, or, as it is now said, *finally regulating* all Grievances and Abuses. They may serve, indeed, to amuse the World, as the *Treaty of Seville* did formerly. — Why therefore did not *those*, who have the Power as well as Knowledge to give *Instructions*, settle the *most essential Point* themselves at first, without any farther Delay? — But if it could be possibly thought that the *Treaty* is design'd only as a Matter of Amusement and Wonder for *eight Months*; or that some of *our Rights* are to be given up, under the Pretence of *Regulations*; then,

then, indeed, it was a Matter of *Prudence* to drop the *first Convention*, sign'd by *others*, on the 9th of *September*, and throw the whole upon Mr. Keene. — That something of this kind is to be suspected, appears not only from the general Report that *Georgia* is to be given up, and that the *Spaniards* are to have a Liberty of *searching* and *confiscating our Ships*, as usual, if We come within *two Leagues* of their Shores; but by the *Particulars* that are referred to the *Plenipotentiaries*, and the *Manner* in which they are referred. — His Majesty's *Speech* tells us, “ that they
 “ are appointed for *regulating* of *Grievances* and *A-*
 “ *buses*, which have hitherto interrupted our *Com-*
 “ *merce* and *Navigation* in *America*.” — The *Preamble* of the *Convention* says, “ that whereas *Diffe-*
 “ *rences* have arisen of late *Years* between the two
 “ *Crowns* of *Great Britain* and *Spain*, on account
 “ of the *Visiting*, *Searching*, and *Taking* of *Vessels*,
 “ &c.” — And the *first Article* “ impowers the
 “ *Plenipotentiaries* finally to regulate the respective
 “ *Pretensions* of the *two Crowns*, as well with re-
 “ *lation* to the *Trade* and *Navigation* in *America*, as
 “ in *Europe*, &c.” — It is manifest that our un-
 doubted Rights are not to be absolutely insisted on; because the Power of *Visiting*, *Searching*, and *Taking* of *Ships* is left to the Examination and Discussion of the *Plenipotentiaries*. That they may be given up, under the Pretence of *regulating Grievances*, and *respective Pretensions*, is very plain, if any Thing is really designed by *this new Delegation*; for considering that one of the Pretensions of *Spain* is to confine us within a *particular Course* of *Navigation*, and *Distance* from their *Shores*, nay even what our *Loading* shall be, in Opposition to our Right of not being
 SEARCHED upon the open Seas in *America*, under
 any

any Pretence whatsoever; I say, If *both these Claims* are to be consolidated together, and a *new Regulation* is to be made out of them, so far as We shall admit of the Liberty of *Searching*, and their Notion of *Contrabands*, so far the *Rights of the Nation* will be certainly given up; for *this Latitude* being once allowed, the Explanation of it will be bounded only by *their own Avarice*. The Course of *Judicature* there, by which it must be tried, is nothing but a *Mockery of Justice*, and an Insult on the common Sense of all other Nations. Can We submit, in any Degree, to authorize, by any *Act of our own*, the Proceedings of *such Courts*? What Extensions, on *their Side*, must follow; what Difficulty of Proof, on *ours*? After admitting their *first Principle*, on which the whole is founded, where can We stop, or how limit it? *Treaties* made afterwards can be of no Avail; for, having once allowed that We are to depart from the *Law of Nations* and *Treaties*, only because a *clandestine Trade* may be carried on, can it then be of any Use to Us to say that any new Extension is contrary to the *fundamental Rights of all Mankind*, of carrying whatever they want from *one Part of their own Dominions to another*, and to make the best of their Way, as well as, in all unforeseen Accidents, to save themselves and their Cargo, without being liable to suffer for *both*, upon that Account? — If the *first Consideration* is, that *English* Subjects are not to get any Thing, by such a *clandestine Trade*, where must that end? — *Regulations*, founded upon *this Principle*, will always continue to extend themselves, as long as the *Principle* itself remains; and our *fair Trade* must cease of Course, before the *other* can be entirely stopt. — Will *France* or *Holland* ever submit to *such a Principle of Regulation*

lation in *Europe*? — Are we therefore to sacrifice our *lawful Navigation* to *their Inconveniences*? — They may justly do every Thing at home to prevent *illicit Trade*, as We do, by the severest Penalties upon their *own Subjects*; but let them not meddle with the *Freedom of the Seas*, nor pretend to lay Us under *such Restraints*, as no Nation in *Europe* would suffer from Us, though never so requisite for *our own Interest*. — Must all our Care be for the *Spaniards*, and none for *ourselves*? — Ought We not to consider whether our *Colonies* will be of any Use to Us, if We are laid under *such Restrictions* as are inconsistent with their very Being, or our supporting and maintaining them? — It may therefore be fairly concluded, that We shall find nothing settled more for our Advantage, *eight Months* hence, than *now*; unless it is to be supposed that something is already *secretly* concerted; and, indeed, it is hardly to be conceived that *this ostensible Part of the Treaty* is all the Produce of so much *ministerial Labour*, and *national Expence*. But if it should be so, it is only an *Expedient for gaining Time*, and a *Reprieve for a Year*.

It is an old Reflection upon Us, that We are commonly the Dupes of all Nations, in our *Treaties* with them. Many Reasons have been assigned for it; but none of them seem to have hit upon the true Cause; which appears chiefly to have been, that the personal Interest of our *Ministers* hath often blinded them so far, that before they perceiv'd the Consequences of their *own Actions*, they found themselves in the Power of *our Adversaries*, and consequently were forced to submit to every Thing, which carried *present Security* along with it. — As we have sufficiently suffered upon this Account, formerly, nothing

thing ought more to excite the *Jealousy of the Nation*; nor can *Parliaments* do Us a greater Service, than by putting an End to such *consuming Negotiations*. But the Marks of *such a Situation* are not always visible; though, in some Case, they are; for if We can suppose that our *Merchants* should be plunder'd for *seventeen Years* together, our *Sailors* barbarously and inhumanely used, our *Rights* invaded and denied; yet that after as many Years spent in *Negotiation*, We had brought it to a Crisis, and declared *that it was no longer to be borne*; what must be thought, in this Case, of obtaining only a *little pecuniary Reparation*, with respect to *all our Injuries*, and to have the essential Points of *establishing our Rights* put off to a distant Time?

By the third Article of the *Convention*, a *Balance* of *L. 95,000* is to be paid by *Spain*, in consequence of *having duly considered the Demands of the two Crowns*. We are, at present, very much in the dark, as to several Parts of *this Article*; for it refers to *an Account stated*, by using the Term *Balance*; and, in another Place, mentions *an Account lately made out at London*. When *these Accounts* are produced, as no doubt they soon will, they may probably deserve many Observations. All that I shall remark upon it at present is, that in *this Balance* is included the Sum of *L. 60,000*, which is to be paid to *Spain*, for the Destruction of *their Fleet*, in the Year 1718.—— It must be confess'd, that there is not only a great deal of tender Regard toward *Ourselves*, but a proper Concern for the *Honour of the Nation*, in not making this an *explicit Article*, to stand glaringly in a *Treaty*, by which it would be publish'd to all the World; but including it in a *Balance of Account*, which might be known but to a *few*, and those amongst *Ourselves*,
by

by its being demanded and granted of course by *Parliament*.

The Pretence for doing of this is, that it was stipulated by the Treaty of 1721, and that it was refer'd to *Commissaries*, by the Treaty of *Seville*.—The best and fullest Answer to all this is, what the *most noble Author* says upon it himself, in his *Observations on the Treaty of Seville*; especially since it became the Language in *other Places*, upon that Account.

“ * But before I leave *this Article*, says he, I
 “ must take notice of that Part of it, which relates
 “ to the Claim his *Catholick Majesty* may have to
 “ Recompence for the *Spanish Ships of War*, which
 “ were taken in the *Mediterranean* in the Year 1718.
 “ By the Treaty of 1721, it was agreed that *those*
 “ *Ships* should be restored; or, in case of being
 “ sold, the Value of them paid in Money to
 “ the King of *Spain*. As therefore the King of
 “ *Spain* had agreed, by the *first Article* of this Treaty,
 “ to a Confirmation of the Treaty of 1721, and
 “ had consequently acknowledged our *Right to de-*
 “ *mand Restitution of all that We could ever claim*
 “ in Pursuance of *that Treaty*; he, in his Turn,
 “ *pretended* to the Restitution of the *Men of War*
 “ above mentioned, or their Value, by virtue of
 “ the *same Treaty*. And this certainly was a Claim;
 “ which, considered abstractedly from *some Circum-*
 “ *stances* attending *that particular Case*, could not
 “ have been disputed. *Those Circumstances* were,
 “ that his *Catholick Majesty* did actually send *Com-*
 “ *missaries*, in Pursuance of the Treaty of 1721, to
 “ *Port-mahon*, where the *said Men of War* then lay,
 “ to demand the Restitution of them; and that they
 E “ were

“ were really, at that Time, offered to *those Com-*
 “ *missaries*, but refused by them, on account of their
 “ being in a *decay'd Condition*, and *unfit for Service* ;
 “ and were, upon that Refusal, drawn out of the Har-
 “ bour, and *sunk in the main Sea*. This was what was
 “ alledged, on *our Part*, when the *present Treaty* was
 “ negotiating ; but, as the King of *Spain* still in-
 “ sisted upon his Right to the Restitution of the
 “ *said Ships*, tho' he was contented to refer that Pre-
 “ tention to the Discussion of *Commissaries*, I
 “ would fain know upon what Grounds, and by
 “ what Rule of Justice, *his Majesty* could have re-
 “ fused to comply with *this Request* ; since it is no-
 “ torious that the *Ships*, to which *Spain* was enti-
 “ tled by the 5th Article of the Treaty of 1721,
 “ were never actually restored ; and his *Catholick*
 “ *Majesty* hath, at least, a Right to have the *Rea-*
 “ *sons* why they were not restored, examined into.
 “ And there was the less Pretence for declining *this*
 “ *Discussion*, because We were sure it would, upon
 “ Examination, appear that it was the *Fault of the*
 “ SPANIARDS *only*, that *those Ships* were not put
 “ into their Possession.”

That this was the real State of the Case, and that
our Minister was determin'd not to allow this Claim
 of the *Spaniards*, if the sending of *Commissaries* was
 design'd for any Thing more than an Amusement,
 appears plainly from the *Instructions* to them ; which
 are ; “ * That the Papers relating to *this Matter*,
 “ which will be delivered to you, will no doubt e-
 “ nable you to prove to the Satisfaction of the *Spa-*
 “ *nish Commissaries*, that the said Treaty of 1721
 “ hath, in this respect, been duly executed on the
 “ Part of *our Crown* ; and that if some of the Ships
 “ by

* Article 6.

“ by *that Treaty* to be restored, were not carried
 “ home to *Spain*, it was the Fault of the *Spanish*
 “ *Officers*, who would not receive them, when they
 “ were tendred to them by *those* in whose Custody
 “ they were.”

The Letters of the *Commissaries* and *Secretaries of State*, during the Disquisition of this Affair with the *Spanish Commissaries*, are as full and as plain to the same Purpose, and insisted upon by *Us* as satisfactory. — What therefore can be the *new Arguments* urged by *Spain*, which are so convincing, and were not made use of before ; or what particularly influenced *Us* to submit to *this Article* now, is not yet known to the World. But, if We had not submitted, it may be said, perhaps, that We could not have obtained *L. 155,000* from *Spain*, towards the Reparation of the Losses of our *Merchants* ; whilst, by this Method, they will at least be *nominally* paid by *Spain*, and *really* by *Us*, out of the *Land-tax*. It is true, that the Expence will not be much felt, considering the vast Sums We annually pay ; but yet the *Manner* in which it is obviously done, must make every *Englishman* wish that, if it was necessary to get *that Sum*, it might have been supplied by the Over-flowings of the *CIVIL-LIST*, in such a Manner as to have preserved the *Honour of the Nation*, better than it is to be feared the *present Form of it* will do.

It hath been acknowledged already, *That We give to Spain a little more than their just Demands, and that our Merchants have a little less than theirs.* — Is it not generously done, to pay *Spain L. 60,000*, and to obtain *L. 68,000* more for them from the *South-Sea Company* ; which, with the remaining *L. 27,000*, being all that is pretended *Spain* should pay, makes
 so

so great a Sum as L. 155,000 to be disposed of for Reparation amongst our *Merchants*, whose Losses are computed by themselves to be L. 430,000?— Will this be esteemed either by *them* or the *Nation*, to be sufficient Satisfaction? And can it be believed, that the chief Argument which hath as yet been publickly urged in Justification of *this Treaty* is only such as a *low Attorney* might think proper to make use of in this Case; *That We have made Spain pay Costs; which is acknowledging our Rights sufficiently?*— Surely there can be none so low in *that Profession*, as not to know that what may be called *paying Costs*, cannot be an Acknowledgment of the *Rights*, whilst the Issue and Determination of *those Rights* are still to be tried, either by a *Judge* or a *Jury*.— By the *same Method of Reasoning*, We ought never to destroy another *Spanish Fleet*, in any Case, because We are to *pay Costs* for the *last*; which sufficiently exposes the Ridiculousness of *this Argument*, as it is urged on the *other Side*.

How this Account of L. 95,000 for a *Balance*, which hath been admitted as due from SPAIN, was made out, is not easily conceiv'd, considering that the Demands of the *Merchants* already mentioned, are above L. 430,000, and that but L. 155,000 is to be paid. The *Ships* and the Case of the *Captures* that are left out, must be worthy of Observation; since *those Sufferers* will be entitled to *no Restitution*; nor will the several Particulars, which make the Sum of L. 60,000 to be paid to Spain, be less curious; since they demanded 180,000. All these Particulars must appear when the *Account* is produced; for it is said, in the *one Case*, to be a *Balance admitted by SPAIN*; and, in the *other*, the *Amount of what hath been acknowledged on the Part of Great Britain*, to be

be due. — But as these Words are the Foundation of all the Arguments which have been hitherto urged for approving *this Negotiation*, let Us consider them in another Light.

Spain is far from acknowledging by *this Article*, that such a Sum is due from them, upon any *particular Account* whatsoever; but agrees to make *this Payment*, as IF it was owing to the Crown of Great Britain. — To this let us add, that All which could be demanded by the Court of *Spain*, for the Destruction of their *Fleet*, in the Year 1718, according to the Treaty of 1721, even if it were now to be allowed in its full Extent, would not be L. 40,000. But as *Spain* would not abate any thing, how was this to be adjusted? — Why thus — The Losses of *our Merchants* were L. 430,000; the *Spanish Demands* are L. 180,000. We lump the whole, taking L. 95,000 for a *Balance*. — The accepting this Sum of L. 95,000, as sufficient to pay *all those*, who had any just Claim to *Restitution*, necessarily supposes, nay even allows, that all above L. 155,000 was justly seiz'd; which must be on the Presumption of *some Accounts* being liquidated; and yet it seems to be certain that no *such Accounts* were ever regularly settled.

According to this State of the Case, the *Spaniards*, had they obtained their Demands, would only have got so much more Money from the People of *England*, to make good the Losses of *our own Merchants*; especially since a *Commission* is still to pass, for distributing the Money amongst the *unhappy Sufferers*; which, let it be done with the utmost Impartiality, the *Smallness of the Sum* will itself shew the Insufficiency of *this Treaty*, as to the *Restitution* pretended to be obtained by it, for our *Merchants*.

But

But let us consider this a little farther. — By the 4th Article, the *Ships* named in it, as well as *others* not named, being to be deducted from the *L. 95,000*, if any Part of their Value, or the whole hath been restored, in consequence of *Orders* dispatch'd from *Spain*, previous to the signing of *this Treaty*; it may occasion a *Balance* to be paid to *them*, at the closing of the *Account*; since if the *Woolball* is valued at *L. 6000*, the *Royal Charles* at *L. 12,000*, the *Dispatch* at *L. 6000*, these *three* alone make *L. 24,000*. To these We must add the Value of the *George*, the *St. James*, and the *Prince William*, as well as of those, included in the general Words, *several others*; I say that, in this Case, the *L. 27,000*, which is all that *Spain* is to pay, may be more than swallow'd up; and then what have we gain'd by *this Treaty*; since the *Orders* for Restitution of *such Ships* and *Effects*, as they were pleas'd to acknowledge to be *unlawful Captures*, were sent before the signing of *this Treaty*?

This Defect in the *Treaty* will still appear in a stronger Light, when We consider that the Remainder of this Sum of *L. 95,000* can never be settled and divided amongst *our unhappy Sufferers* till these *Accounts* come back from the *West-Indies*, and are allow'd by the *Spanish Minister*. — Where then is the *boasted Restitution* and the *final Settlement* of these *Accounts*, by the *Treaty*?

But now, taking the *two Articles* together, for *paying Costs*, and *regulating Grievances*; it appears that *Spain* hath only given up all *pecuniary Demands*, upon our consenting to do the same; and, on Condition that We would withdraw our *Fleet*, she was willing to treat with Us as she did *before*, in order to prevent such Things for the future. — In this
Case,

Case, let the *Treaty* be colour'd by what Name soever, it is no more in Effect than cancelling of all Demands on *both Sides*, and *Each* abiding by its own Loss; though Pretensions are founded by it to get Money from *one Part of our Subjects*, in order to soften the Clamours of *Others*, which are natural upon such an Occasion.

The Orders dispatch'd for calling home our *Fleet*, before any one of the *most essential Points in Dispute* was absolutely settled, seem to be injudicious at least, and too mean a Compliance with the Demands of *Spain*, who by their full Powers require a *speedy and secure Disposition*, to settle all Disputes in an *amicable Manner*. If by this was meant the recalling of our *Fleet*, how glorious and honourable was it for *them* to obtain it? but what must *that Nation* feel, at whose Expence it was fitted out, upon Motives of a *much higher Nature*?

The *Article*, for regulating the Limits of *Florida* and *Carolina*, is generally understood as design'd for the giving up of *Georgia*; because it seems, upon All that hath hitherto pass'd between the *two Crowns*, upon this Affair, and particularly in one Memorial of the *Spanish Minister* here, that *Spain* will come to an open Rupture with Us, if it is not given up; and every body must be now convinc'd that our *Treaty-makers* are determin'd to avoid a Rupture at any Rate. Nor can it be conceiv'd, that they should take any particular Care of *one of our Rights alone*, which they would not do for *them all, put together*.

But notwithstanding these Suggestions, let Us see whether it is possible for our *present Minister* to give it up, without deserving the just Censure of the

the

the Nation, exprefs'd by *their Representatives in Parliament.*

It is unnecessary here to enter into the Disquisition of *our Rights*, on this Subject. Let it suffice to observe, that they ought not only to be known, but to be clear and undoubted; or else *his Majesty* should not have been advis'd to apply to *Parliament*; nor the *Nation* obliged to purchase it of the *Proprietors*, as they did, at the Expence of L. 22,500 in the Year 1729; nor should so many *Acts of the Legislature* have pass'd, if it was not for a *clear and certain Title* to it, which is now become an *Establishment*, to be annually provided for, like *Gibraltar* and *other Places*; and whatever Disputes there have been concerning our Right, it was as well known before the *Legislature* ever made it a *national Concern*, as it is now. How therefore can *those*, who have drawn the Nation into *this Contest*, and put Us to so great an Expence, ever acknowledge that it was wrong and unjustifiable, as they will by giving it up, at present; since they must have known, before they put the Nation to *this Expence*, all the Reasons and Arguments of *Spain* for not consenting to our Possession of it? Would not *they* be answerable, in the Opinion of Mankind, for all the Money given by the *Publick*, and what was collected by *private Charities*, as well as the Hardships and Injustice it would be to all *those*, who have gone to settle there, under the Sanction of *repeated Acts of Parliament*, which it must be presum'd were founded upon our undoubted Right to *those Places*? Can it therefore, I say, be given up by *those*, who have done all this?

It is true, indeed, that the Affairs of the *South-sea Company* are not settled by *this Convention*, or
even

even so much as mention'd; but yet they are essentially concern'd in it, being oblig'd to pay L. 68,000 towards the *Balance*. The Hardship of this makes it necessary to look a little back into their Concerns.

The *Company*, in July 1734, address'd his Majesty for Leave to part with *their Trade*, and Sir *Thomas Geraldino* had Power to treat with them about it. But it came to no direct Proposals; because his Majesty's Answer was understood to be against it. However, it was suggested, that the *Company* was to have certain Duties, in lieu of their *Trade*, to be collected in *Old Spain*, upon Goods brought from the *West-Indies*, which it was reckon'd would produce L. 70,000 a-year. On the 15th of *May* 1735, the *Company* again address'd his Majesty. They complain'd of the *new Difficulties* they were put under, which they thought were designed to force them to part with their *Trade*. They likewise complain'd of not being able to get the *Money* that was seiz'd, during the Rupture between the two *Crowns*; that there was now due to them, according to the *Spaniards Account*, 1,500,000 *Pieces of Eight*, and much more by *their own Account*; though the King of *Spain* insist'd on the immediate Payment of the *Money* pretended to be due to him. — On the 21st of *January* 1736-7, they once more address'd his Majesty, and set forth, that they could get no Answer for large Quantities of *Goods seiz'd*, and which ought to have been restor'd, in pursuance of the Treaty of *Seville*; that they had several *Sbedulas for Restitution*, which had been of no Effect. — In their Address to his Majesty, the 30th of *June* 1737, they laid before his Majesty the *Plan of Accommodation*, as agreed to by Sir *Thomas Geraldino* and themselves, and afterwards agreed to in a *General Court*; which in Substance was to this Effect, that they would pay the *Duty on Negroes*, after the Rate of

52 *d. per Dollar*; which, together with the Profits of the Ship *Royal Caroline*, should be paid immediately; and, in Return, they were to have a full and sufficient Security for the Payment of what was due to *them*, and that their Term was not to expire at the End of *thirty Years* absolutely, but as they had suffered great Interruptions already, it was to end after *thirty trading Years*. His Majesty's Answer to this Address was, by his *Secretary of State*, that he saw no Reason to disapprove the *Plan of Accommodation*, mentioned by them; and Mr. *Keene* was order'd to use his Endeavours, at the Court of *Spain*, for perfecting *this Agreement*. The little, that hath passed since, could be only explanatory of *this Scheme*; for the *Court of Directors* are neither authorized, nor have any Power to depart from it; having had no *General Court* since, upon this Affair. — Is it not therefore very hard upon the *Company* that *one Part of the Accommodation* should be put in Execution against *them*, under the Pretence of its being *confessed* by them that they would pay the King of *Spain* *L. 68,000*; when the only Inducement for offering it was, that they might have the Benefit of the *other Part of the same Agreement*; I mean the *thirty trading Years*, and Security for *their Debts*, or at least that the *L. 68,000* should only be deducted out of the Debt own'd to be due from *Spain*, and therefore ought not to be paid by the *Company*? But by this Agreement of Mr. *Keene*, they are put into his *Catholick Majesty's* Mercy, and in Danger of losing both their *Trade* and their *Debts*.

As it was impossible that the *Directors*, if *this Convention* was communicated to them, could agree to such Terms, so it was very improbable that *their Proprietors* would. But as the *Convention* signed here, on the 9th of *September* last, was not satisfactory to the King of *Spain*, upon this Account, he did

in a very unusual Manner insert, in his Ratification of it, a *Declaration* of the same Import as the *present Protest*. This was not only contrary to the common Forms of *Treaties*, but the Thing itself would have been known as soon as the *Treaty* was communicated to the World. — A *new Convention* therefore became necessary, and *another Manner of doing* it was to be found out. Accordingly Mr. Keene had full Powers signed on the 9th of *November* last, in which it is said, “As also upon Articles, whether SECRET “ or SEPARATE, and lastly upon all Things, “ which shall seem MOST PROPER for promoting “ and perfecting the said Work.” — Where is the Difference between *this present Convention*, and that of *September* last, except in what hath been already said, with relation to the *South-sea Company*? — What Occasion was there for empowering Mr. Keene to conclude *secret Articles*? — Was the Nature of our Disputes such, that our Stipulations in *former Treaties* ought to be kept secret from *foreign Nations*, or from *ourselves*? — Do not the *latter Words*, which are altogether new in these Cases of *Commercial Treaties*, shew too that *some Method*, or *Form*, was to be settled, which might have the same Effect of forcing the *Company* into it, and yet from the *Manner* in which it was done, it might be kept a *Secret*, till the *other Part of the Treaty* had been approved? — The *Manner* therefore, in which it is now done, at last, seems to prove the Conscioufness of *those*, who had the Management of it, that the Thing was *blameable* in itself, and that this *new Form* was to serve only for a *Screen* to it. But if it is really *blameable*, will it not be equally so to let this *clandestine Action*, as it must now be call'd, ever have any Effect?

We must next consider the *Declaration*, that was made by *Monf. de la Quadra*, on the 10th of *January* 1739, N. S. since it in some Degree affects the

Validity of the *whole Treaty*. — This was not communicated to the World with the *Treaty* itself; but too soon, as some People may think, to the *South-sea Company*, by which Means it became publick. The main Difficulty, which was the Refusal of the *Company*, not being to be got over, *this new Method* was found out to force them into it, and the Interest of *all their Proprietors* sacrific'd, in order to procure *this boasted Convention*; since they must either pay the *Money* demanded, or their *Trade* will be suspended till they do. Nothing can be stronger than *this Declaration*, nor more in the Stile of *Spain*. It is the Condition, upon which the *Treaty* was signed *four Days* afterwards; and it is said to be, “in consequence
 “ of repeated *Memorials* and *Conferences*, that have
 “ pass'd with *Mr. Keene*, having therein agreed, with
 “ reciprocal *Accord*, that the present *Declaration* shall
 “ be made as the *essential* and *precise Means* to over-
 “ come the so much debated *Disputes*, and in order
 “ that the *said Convention* may be sign'd.” — It hath been pretended that *this Protest* had no relation to the *Treaty*, and that none of our *Ministers*, either abroad or at home, had any Concern in it. But can it be read by any Man, of common Sense, without seeing that our Minister, *Mr. Keene*, agrees to it, as the *essential Means to overcome Disputes*, that the *Convention* may be sign'd? Nay, the *Protest* goes farther, and declares,
 “ that under the Validity and Force of *this Protest*,
 “ the signing of the *said Convention* may be proceed-
 “ ed on, and in no other *Manner*, so that it may not
 “ be eluded by any *Motive* or *Pretext* whatsoever.” — Does not this affect the *Validity of the Treaty*; since it was the *only Condition* upon which *Spain* would proceed upon it and sign it? — *Mr. Keene's Letters*, which are since produced, evidently prove what was only suspected before, that this whole Article was negotiated and concluded with his Privity and

Consent; for in the first of them, dated the 6th of *January N. S.* he says; “ That, in order to come
 “ to an Explanation, with Regard to *signing the Con-*
 “ *vention*; it was thought proper to go and declare
 “ verbally to *your Excellency*, as I did yesterday,
 “ that I was ready to sign the *Convention*, as soon as
 “ his Catholick Majesty should think proper, upon
 “ the Foot We had agreed, *viz.* of a *separate Act*
 “ for preserving the Peace between the *two Nations*,
 “ and without having any Relation to the Affairs
 “ of the *South-sea Company*; and that as to what re-
 “ lates to *those Affairs*, I charged myself to notify
 “ to *my Court*, as well as to the *Company*, the *Right*
 “ of *Suspension*, which his Catholick Majesty refer-
 “ ved to himself.” — The whole Strefs of the Ar-
 gument is at present laid upon these Words, *without*
having any Relation to the Affairs of the Company,
 not considering what went before or after them, as
 if it were possible to separate them from the rest, and
 make Sense of the whole. — But, pray, why are
those Words there? — Does it not imply that a
Peace could not be obtained from *Spain*, unless the
South-sea Company were left to the Discretion of
Spain? — What particular Reasons could there be
 for such a Reservation to them, in Opposition to a
separate Act for preserving the Peace? — Are they
 not, in consequence, to be given up; and yet what-
 ever they suffer justly, or unjustly, is to be no Breach
 of *that Peace*? — Otherwise, why were not *their*
Affairs left to be discussed and decided, and not put
 into this Condition, which will force them to pay
 what is pretended to be due to *Spain*, without any
 Regard to what is due to *them*?

But let us consider *this Affair* in any Shape, and it
 will appear that *our Minister* must know of *this De-*
claration; which, as it is there said, “ was agreed
 “ upon with *reciprocal Accord*, as the *essential* and
 “ *pre-*

“ *precise Means* to overcome the so much debated
 “ *Disputes.*” — But, does not all this come out
 still Stronger, since it appears from *Monf. de la*
Quadra's Letter, that, upon *this Agreement*, the very
 Day his *full Powers* were signed, and the Day when
 the *Declaration* was made, being the 10th of *Ja-*
nuary, he wrote to Mr. *Keene* in this Manner? —
 “ Herewith I transmit you the *King's Declaration*,
 “ in which his Majesty protests, that he reserves
 “ the Right of suspending the *Affiento Contract*, in
 “ a proper Time mentioned therein; and I hope
 “ that, according to *our Agreement*, you will give
 “ me Advice of having received it, in order to no-
 “ tify the Contents of it to *your Court*, as well as
 “ the *Company*; and that, in order to prevent any
 “ *Doubt* or *Equivocation*, you will be pleased to ex-
 “ press the Contents of it in *your Answer*, for the
 “ greater Security of the good Faith of our *respe-*
 “ *tive Proceedings.*” — To this we may add,
 that Mr. *Keene* did, the very next Day, acknow-
 ledge the Receipt of *this Letter*, and promised to
 send it to *his Court*, and the *Company*. What there-
 fore must be said of *those*, who have the Assurance
 to tell us, that it was only a *private Protest of a Mi-*
nister of Spain, which therefore could not affect *Eng-*
land, as it was not even known, or communicated to
his Majesty's Minister? Whereas at last it came out,
 to be not only agreed on, in general, by *our Mini-*
ster, under his Hand, before it was *sign'd*; but in the
 Form it was sent him, was said to be the *Declaration*
 and *Protest* of the King of *Spain*, agreed upon by *ri-*
ciprocal Accord. And that all this should be acknow-
 ledg'd under Mr. *Keene's* own Hand, without ma-
 king any one Observation, or Objection to it, must
 astonish all Mankind. — But to sign ^{the} *Conventi-*
on, three Days afterwards, when he knew and of
 course acknowledg'd the whole Meaning and Strength
 of

of the *Protest*, which made the Condition, upon which the *Treaty* was to be proceeded on, is what I must leave to the Judgment of my *Superiors*.

The *Declaration*, after all, was known here, before his Majesty ratify'd the *Convention*, which was the 24th of *January*, O. S. and *this Declaration* was sign'd and deliver'd to Mr. *Keene* the 10th of *January*, N. S. — By this the *Company* is at least put out of his Majesty's Protection; since it is agreed that the *Suspension of their Trade* is not to be look'd upon as a *Breach of the Peace*. It is certainly the *first Treaty*, in which any thing of this kind hath been done, as it leaves the *Company* and their *Proprietors* no Resource of Justice and Redress, but by resolving immediately not to pay the *Money* thus extorted from them. — But *this Point* ought to be animadverted upon in *another Manner* than it is proper for me to do here.

What must We now think of all our Complaints of Losses, for twenty five Years, without any *Restitution*; the frequent Seizures of the Effects of the *South-sea Company*; the many Complaints in *Parliament*; the great Squadrons sent to protect our *Trade*, and procure *Reparation*; what, I say, must We think upon seeing all our Negotiations summ'd up, in this Manner, and ending in a Balance upon the whole, of *L. 27,000* to be paid by *Spain*, and even that perhaps in *Words* only?

Upon this State of the Case, every impartial Person must imagine that the *Losses* were inconsiderable; and that the only Thing necessary to be obtain'd, after all, was *future Security* by asserting our *Rights*. — But this cannot be so much as pretended to be done by *this Treaty*; since every Thing is refer'd to the Regulation of *Plenipotentiaries*, before another Session of *Parliament*. The *Restitution* to our *Merchants* of *L. 155,000* for their Losses of *L. 430,000*, cannot be esteem'd satisfactory. —

factory. — The paying for the *Spanish Fleet*, in this Manner, is what every *Englishman* must sensibly feel in his own Breast. — The giving up of *Georgia* will be esteem'd very dishonourable to the *Legislature*, which hath pass'd *so many Acts* for maintaining it. — The *South-sea Company's* paying down *L. 68,000*, when so much larger Sums are allow'd to be due to *them*, is a Sort of Justice, which never appear'd in any *Treaty* before.

In this short Light is contain'd the whole Substance of the *present Treaty*. Let *those* approve it, who can; and let *those* censure it, who have the *Power*, if it should deserve Censure. But let not *those*, who are thoroughly convinc'd that it is both detrimental and dishonourable to the *Nation*, approve it, for the Sake of *one Man* only, at the Expence of their *Country*. Let them consider that if it is really a *bad Treaty*, their Approbation will not only involve them in the Guilt of it, but rivet it upon a *Nation*, which seems to be almost universally dispos'd against it. The Credit, that hath too long been given to *delusive Negotiations*, and forc'd Constructions of our *late Treaties*, which rather tended to strengthen the Pretensions of *Spain*, hath brought Us to the *Condition* We are now in; and the *Question*, in Effect, is the same as *last Year*; That is, Whether the *Dominion of the Sea*, and the *Freedom of Navigation and Commerce*, shall be sacrific'd to the wild Pretensions of *Spain*, by admitting their *Right* to plunder Us, under the Colour of

SEARCHING WITHIN ANY LIMITS WHATSOEVER

F I N I S.

P. S. Since the foregoing Sheets went to the Press, I have seen *Two Accounts*, said to be settled between *Spain* and *one of our Commissioners*, which are of so extraordinary a Nature, that I must take some other Opportunity of making my Remarks upon them, unless I find it done before by an abler Hand.



